

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELISSA LANSDOWN,
Plaintiff,

v.

BAYVIEW LOAN SERVICES, LLC, et al.,
Defendants.

Case No. [23-cv-02932-JSC](#)

ORDER GRANTING TRO

Re: Dkt. No. 6

Plaintiff Melissa Lansdown seeks injunctive relief to halt the foreclosure sale of her home at 1670 Chiquita Road in Healdsburg, California.¹ Plaintiff has lived in her home for 33 years. (Dkt. No. 9 ¶ 1.) She is proceeding against Shellpoint and Bayview, who are defendants here, in a related federal action for breach of contract concerning the same property. (*See* Case No. 3:22-cv-00763-TSH.) That action recently survived a motion to dismiss in part. (*See id.*, Dkt. No. 69.) Plaintiff now seeks a temporary restraining order to halt Defendants’ planned foreclosure sale. The sale is scheduled to occur on June 21, 2023. Plaintiff has attempted to notify Defendants of this motion. (Dkt. No. 6.)

Having reviewed the papers submitted and the docket in Plaintiff’s related action, Plaintiff has shown she will suffer irreparable injury if the sale proceeds before this matter can be heard. Thus, this Court GRANTS a temporary restraining order, enjoining Defendants or their agents from selling the Property absent a further order from this Court. *See* Fed. R. Civ. P. 65(b). The temporary restraining order shall expire at 5:00 p.m. on June 29, 2023.

¹ Plaintiff brings claims for breach of contract, violation of the Federal Debt Collection Protection Act, violation of the Rosenthal Fair Debt Collection Practices Act, declaratory relief, and injunctive relief. Plaintiff asserts federal court subject matter jurisdiction exists through diversity. *See* 28 U.S.C. § 1332. But Plaintiff fails to plead citizenship for the members of each limited liability corporation defendant. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“[A]n LLC is a citizen of every state of which its owners/members are citizens.”). However, because Plaintiff’s complaint alleges federal law violations, the Court has federal question subject matter jurisdiction. *See* 28 U.S.C. 1331.

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The parties shall appear before the Court via Zoom on June 21, 2023 at 9:00am.

Plaintiff shall immediately serve the complaint, Plaintiff's motion, this order, and all supporting declarations on Defendants and provide proof of service to this Court. Before the hearing on June 21, 2023, the parties shall file notices on the docket indicating whether they consent to magistrate judge jurisdiction. *See* 28 U.S.C. § 636(c).

IT IS SO ORDERED.

This Order disposes of Dkt. No.

6. Dated: June 20, 2023


JACQUELINE SCOTT CORLEY
United States District Judge